

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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LANDMARK AMERICAN INSURANCE
COMPANY,

Plaintiffs,

ORDER

CV 09-5271 (DRH)(ARL)

-against-

THE DIZZY LIZARD, INC., d/b/a THE DIZZY LIZARD and ERIK JAEGER,

Defendants.

-X

LINDSAY, Magistrate Judge:

The matter having been referred to the undersigned by District Judge Hurley for the purpose of issuing a report and recommendation with respect to whether a default judgment should be entered against defendant the Dizzy Lizard, Inc., and, if so, the appropriate amount of damages and attorney's fees to be awarded, plaintiff is directed to serve and file papers in support of its claim for damages and attorney's fees by **February 7, 2011**. The papers shall include a memorandum of law and an affidavit from a person with knowledge of the relevant facts. Any papers from the defendant in opposition to the amounts sought shall be served and filed by **February 28, 2011**.

The court will make its report and recommendation based upon the paper submissions filed by the parties unless a hearing is requested, in writing, by either party. If such a request is made, the date will be set after the final date for submission of papers has passed.

Counsel for plaintiff shall serve a copy of this order on defendant the Dizzy Lizard Inc. by certified mail, return receipt requested. It shall also serve a copy of its damages papers on defendant by certified mail, return receipt requested, and shall file, along with its supporting papers, proof of service of 1) its supporting papers and 2) this order. Defendant the Dizzy Lizard, Inc. shall serve their opposition papers on counsel for plaintiff and shall file opposition papers with proof of service with the Court.

Dated: Central Islip, New York
January 3, 2011

SO ORDERED:

/s/
ARLENE ROSARIO LINDSAY
United States Magistrate Judge